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Docket Management System,
U.S. Department of Transportation,
Room PL 401,
400 Seventh Street, SW.
Washington, DC 20590

Subject: Area Navigation (RNAV) and Miscellaneous Amendments - Notice of Proposed Rulemaking (NPRM)
Reference: Docket Number FAA-2002-14002

Dear Mr. Lawrence Buehler,

American Trans Air supports FAA's proposal to amend its regulations to reflect technological advances that support area navigation (RNAV); harmonize terms consistent with those of the Joint Airworthiness Authorities and International Civil Aviation Organization. We welcome all changes that bring the regulations into the 21st Century. We believe it is important that this NPRM establish a timeless specification of communications, navigation and surveillance performance that will not unnecessarily restrict, or require additional rulemaking to enable the use of new/evolving technology.

American Trans Air does not support new definitions/specification that contradict industry/FAA/JAA agreed language contained in Operations Specifications, Advisory Circular 120-29A, or changes not coordinated with industry/users. We believe much more user/industry coordination was placed into the Advisory Circulars than this NPRM.

American Trans Air provided late comments when confusion and concern regarding the issuance and handling of the original NPRM were so strongly expressed with a request for extension. We continue to have the same concerns and fail to see how extending the full NPRM would preclude or delay new RNAV routes. You fail to specify any time line or the date any specific RNAV routes must be in place and its economic impact. FAA action to selectively, insert FAA Orders and contrived/uncoordinated thinking into the Rules will only prove to be limiting and problematic to both FAA and its users. We strongly disagree with FAAs action to selectively adopt a portion of the original NPRM

American Trans Air offers the following: Please note that some comments may relate to sections in the original FAA-2003-14002, but it's very costly, difficult, and time consuming to understand FAAs process or schedule regarding this NPRM.

Section 1.1

Change the definition of ATS Route: The regulation should simply state ATS Route is a route or procedure approved by the Administrator. Why is it necessary to list examples of routes included under ATS Route? This will only serve to restrict any future naming convention. e.g., like the change to 91.205

Remove the definition or term APV. How does this serve the public? There is no difference in training or how the approach is flown. This definition appears only to serve the interest of FAA and avoid airport ancillary requirements heretofore associated with ILS. The language should simply read, "served by an instrument approach providing vertical guidance". Further classifying approach procedures should not be applied in the rules. If FAA requires added categories for internal processing, changes should be applied to internal documents and orders—not the rules. Otherwise full disclosure as to exactly why we require the new term and how it's used should be included in the preamble. Simply stating to recognize LNAV/VNAV isn't an acceptable rational, as we've operated with LNAV/VNAV for several years without the rule.

The terms ``Category I/II/III operation`` has been used in the aviation industry and in the preambles of FAA regulatory documents for years, but it has never been clearly defined in the CFR. Why now is the FAA is therefore proposing to add a definition of these terms? Also, the proposed definitions of Category II/III reflect 1970 capability and thinking. CFR Definitions should not specify the navigation source e.g. ILS, and, if implemented, they should only specify DA/DH in order to allow future enhancements and technology without rule change. Change definitions as follows:

Category I operations, with respect to the operation of aircraft, means an approach to the runway of an airport under a instrument approach procedure issued by the Administrator or other appropriate authority with a minimum descent altitude (height) (MDA (H)) not lower than 250 feet (75 meters) or a decision altitude (height) (DA (H)) not lower than 200 feet (60 meters).

Category II operations, with respect to the operation of aircraft, means an approach to the runway of an airport under a Category II instrument approach procedure with a decision height (DH) lower than 200 feet (60 meters) but not lower than 100 feet (30 meters) issued by the Administrator or other appropriate authority.

Category III operations, with respect to the operation of aircraft, means an instrument approach to, and landing on, the runway of an airport using a Category III instrument approach procedure with a decision height (DH) below 100 feet (30 meters) or no decision height (DH) issued by the Administrator or other appropriate authority.

Night: The FAA is proposing to revise the definition of the term ``night`` to reflect that local night may differ from the times published in the American Air Almanac. This concept of local night could limit operations at a particular location when the FAA determines it to be necessary for the safety of operations, for example, when terrain causes sunset significantly earlier than the Almanac indicates. American Trans Air is concerned how the FAA intends to disseminate regulatory night time information at these unique locations for the purposes of MEL and other CFR night requirements.

RNAV, PA, PFAF: These all appear to be charting acronyms and not necessary for this section of the CFR. Part-97 may be more appropriate.

Drop the definition of area navigation (RNAV). This requires more industry input and rational.

PART 71

71.11 Air Traffic Service Routes (ATS). Drop paragraphs a, b, and c. Rewrite the whole 71.11 to read as follows: ``Unless otherwise specified, ATS routes include the protected airspace dimensions as determined acceptable by the Administrator.``

71.13 Classification of Air Traffic Service (ATS) Routes. Under 71.13 (b), rewrite as follows: (b) In subpart E of this part:

- (1) Federal Airways.
- (2) RNAV Routes.

Part 91

91.129, 91.131 Revise to delete APV and ILS as follows: A large or turbine-powered airplane approaching to land on a runway served by an instrument approach providing vertical guidance shall, if the airplane is equipped, fly that airplane at an altitude at or above the glide path between the final approach fix (or point of interception of glide path, if compliance with the applicable distance from clouds criteria requires interception closer in) and the DA/DH; and...``

91.175(h) Do not move the RVR conversion to an FAA Order that can be changed without public notice. If the table is removed it should be relocated to the operational Advisory Circulars for operations requiring RVR (Acs 120-28 &29). This would ensure change, if any, would be coordinated with affected users. Additionally, the table should be updated with the values currently in AC120-28 &29. Note the RVR table

also appears in the Aeronautical Information Manual (AIM), the Instrument Flying Handbook, and in the Flight Information Publications.

91.177 Change to read: However, if both a MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA. Except when using VOR navigation, operations at MOCA beyond 22 NM of the VOR concerned (based on the pilot's reasonable estimate of that distance) is not permitted. This change allows other navigation without further specifying types of avionics RNAV, GPS etc.

97.10 Do not delete this. Because these type procedures no longer exist is not sufficient justification. This language does no harm and provides a method of accepting other procedures should the need arise.

97.20 Do not change: FAR's should not hand off regulatory material to FAA Orders. These Orders then in effect become the rule under complete control of the FAA. The current regulation already identifies U.S. Terps. Why is the internal filing system number (xxx.3b) required? There is no need to add 8260.19 to the rule any more than the 6750.24 regarding what must be ancillary components must be operating. How would omitting specific orders in the FAR affect the development of procedures? What value is it to FAA, or the public, to expand the list of Orders listed in the rule.

Part 121

121.99 "Communications Facilities": There is some operations where certain portions of the route segment have data link capability but not direct voice with company. NPRM 121.99 introduces a new requirement to have continuous voice capability with the company for non-normal and emergency. This will be costly and take time to implement. The NPRM may be appropriate if 121.351 (c) provided route/time/exposure relief. It's curious why data link may be used for critical normal communication, but we must have voice in the rare event of non-normal/emergency. We recommend FAA review the NPRM and provide route/time exposure allowance before requiring continuous voice coverage. The rule should also provide some future effective date that would allow voice equipment to be installed. We also request FAA's assessment of cost estimate to implement this change.

Do not include the definition of rapid/reliable < 4-minutes. Legal interpretations made in 1977 may not have considered all the relevant operational issues. While 4-minutes may be a reasonable goal, it's not something to be timed with a stopwatch. Standards like this are better placed as a goal in design standards and certification standards.

121.349 Do not change. The seemingly innocent change from receiver to system may eliminate 1,000's of RNAV aircraft having dual DME a/o GPS receivers feeding a single FMS without good cause. What reliability or (MTBF) is FAA seeking? We do not believe that the rule as currently written provides adequate clarification of what combinations of navigation sensors and/or equipment will satisfy the requirements of the rule and has not appropriately considered the economic impact. Delete the reference to precision and NPV and only reference approaches with vertical guidance. Discussion must be placed in the preamble.

121.103 Change the title of the FAR to Enroute Navigation. The use of systems/aids/facilities seems to confuse the rule.

121.121 Delete the proposed change. It appears identical to 121.103.

Parts 125 and 135: Part 121 comments apply to companion language in Parts 125 and 135.

V. International Compatibility: The NPRM states there is no ICAO standards that correspond to the proposed rule. American Trans Air believes certain equipment requirements could place US Operators at an economic disadvantage, and questions if the NPRM applies to foreign operators in US Gulf of Mexico airspace.

VI. Economic Evaluation: This NPRM may require additional navigation systems and communications systems (SATCOM, HF). American Trans Air believes this NPRM would have significant impact on small and large entities that would impose an unfunded mandate.

Questions concerning this reply may be directed to Mr. James Enias, Technical Programs Manager, 317-282-5078.